

REMARKS

The Office Action dated June 6, 2005, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

Claim 1 has been amended and new claim 5 has been added. Applicant submits that the amendments made herein are fully supported in the specification and the drawings as originally filed, and therefore no new matter has been added. Accordingly, claims 1-5 are pending in the present application and are respectfully submitted for consideration.

Allowable Subject Matter

As a preliminary matter, Applicant appreciates the indication of allowable subject matter in claims 3 and 4 of the present application.

Double Patenting Rejection

Claim 1 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending application no. 10/673,159.

Applicant respectfully submits the attached Terminal Disclaimer, which obviates the double patenting rejection. Thus, Applicant requests withdrawal of the rejection.

Inventorship

The Office Action raised an issue regarding the inventorship of the present application. Applicant respectfully submits that Mr. Go YUASA is the rightful inventor to the subject matter claimed in the present application, since Mr. Go YUASA is the sole

inventor who conceived of the vehicle navigation system as claimed in the present application.

Claim 1 Rejected under 35 U.S.C. § 102(b)

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Nagaki (U.S. Patent Application No. 2001/0004724). Claim 1 has been amended. The rejection is respectfully traversed.

Claim 1 recites a vehicle navigation system comprising, among other features, wherein during an operation of the install module, the second execution module executes the vehicle navigation using the second computer program by using transferred data which are transferred from the second recording device and installed in the first recording device by the install module.

It is respectfully submitted that the prior art fails to disclose or suggest at least the above-mentioned features of the Applicant's invention.

Nagaki merely discloses a navigation system having a present position detecting device (16, 17) for detecting a present position; a plurality of memory devices (14, 15) each capable of reading out map data which is recorded therein; a navigation controlling device (11) for controlling a navigation operation in correspondence with the detected present position by using the map data; and a map data reading device (11) for accessing one of the memory devices, which is selected in accordance with a predetermined condition, and reading out the map data required for the navigation operation therefrom.

In contrast, one example of the present invention provides that the second execution module (DVD execution module) can execute the vehicle navigation even during the installation of an updated version. For instance, the vehicle navigation is carried out on the basis of the second computer program and "the transferred data," where the "transferred data" are installed in the first recording device such as the HDD. The present invention can carry out the vehicle navigation by using the second computer program (navigation program) in the DVD and the transferred data (updated data) in the HDD. Thus, interruption of the vehicle navigation is significantly reduced in the present invention.

Nagaki merely describes that read-out map data is only displayed. It is submitted that Nagaki neither disclose nor suggest that the vehicle navigation can be carried out even during an installation of an updated version. In particular, when the currently-updated map data of Nagaki does not contain a current destination, for example, the vehicle navigation can not function. Also, when map data, which is not read out yet, contains the current destination, the vehicle navigation also cannot function. Therefore, the navigation system of Nagaki, using the updated data, cannot function properly during the installation operation. Moreover, Nagaki fails to disclose using of the transferred data stored in the first recording device (HDD).

Hence, Applicant submits that the cited prior art fails to disclose or suggest each and every element recited in claim 1 of the present application.

Moreover, to qualify as prior art under 35 U.S.C. §102, a single prior art reference must teach, i.e., identically describe, each feature of a rejected claim. As

explained above, Nagaki fails to disclose or suggest each and every feature of claim 1. Accordingly, Applicant respectfully submits that claim 1 is not anticipated by Nagaki. Therefore, Applicant respectfully submits that claim 1 is allowable.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 2 Rejected under 35 U.S.C. § 103(a)

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagaki in view of Ahrens et al. (U.S. Patent No. 6,018,695, hereinafter "Ahrens"). This rejection is respectfully traversed.

As claim 2 depends from claim 1, Applicant submits that claim 2 incorporates the patentable aspects therein, and is therefore allowable for at least the reasons set forth above with respect to the independent claim, as well as for the additional subject matter recited therein.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

New Claim

New claim 5 has been added, and depends on independent claim 1. Applicant submits that claim 5 incorporates the patentable aspects therein, and is therefore allowable for at least the reasons set forth above with respect to the independent claim, as well as for the additional subject matter recited therein.

Conclusion

In view of the above, Applicant respectfully submits that each of claims 1-5 recites subject matter that is neither disclosed nor suggested in the cited prior art. Applicants also submit that the subject matter is more than sufficient to render the

claims non-obvious to a person of ordinary skill in the art, and therefore respectfully request that claims 1-5 be found allowable and that this application be passed to issue.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referring to client-matter number 107391-00001.

Respectfully submitted,



Sam Huang
Registration No. 48,430

Customer No. 004372
ARENT FOX, PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 857-6395

SH:ksm

Enclosures: Terminal Disclaimer
Petition for Extension of Time (one month)